IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.1821 OF 2004

M/s.Solar Dyechem Pvt.Ltd. & Ors. Petitioners

Vs.

State of Maharashtra & Ors. .. Respondents

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Ms.V.C.Khatri i/b Vijaykumar & Co. for the petitioners.

Shri Milind More, AGP for respondent Nos.1 to 3.

Mrs.S.Deshpande for Respondent No.4.

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Coram: R.M.S.Khandeparkar,J

Dated: 24th August, 2004.

P.C.

1. Heard. Perused the records.

2. The petitioners challenge the impugned orders, as the records indicate, solely on the ground of absence of jurisdiction to the authorities under the Maharashtra Co-operative Societies Act, 1960, relying upon the decision of the Full Bench of this Court in the matter of **Narendra Kantilal Shah v. Joint**

Registrar, Co-operative Societies (Appeal), Bombay & Ors., reported in 2004(1) Mh.L.J. 704. Undisputedly, the said decision has been stayed by the Apex Court. Besides, the Division Bench of this Court in **Vasundhara Ashokrao Patil v. Rajaram Bapu Sahakari Bank Ltd., Sangli & Ors.,** reported in 2003(4) Mh.L.J. 315 has already held that a revisional remedy under the said Act is available in relation to such certificates. Besides, the Division Bench of this Court while dealing with the Writ Petition No.1973 of 2003 on 7th June, 2004, considering the provisions of law and the fact that the Supreme Court has granted stay to the order passed by the Full Bench of this Court, has refused to interfere in the matter wherein the order passed by the authorities under the said Act was challenged on the ground of lack of jurisdiction.

3. In the matter in hand, one additional factor which is against the petitioners is that inspite of an opportunity being given by the order dated 23rd July, 2004 to deposit the amount payable while staying the recovery certificate dated 4th December, 2003, the petitioners have not been able to deposit any amount within the period specified under the said order, or even thereafter till this day.

4. In the circumstances, there is no question of

interference in the impugned order in writ jurisdiction. The petition is, therefore, rejected. However, the respondents shall not take any coercive action for a period of two weeks from today.